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CAPITAL ONE BANK (USA), N.A.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

YVONNE S. YBARRA,

Plaintiff,

v.

CAPITAL ONE BANK USA, N.A. and
TRANSUNION, LLC;

Defendants.

Case No. 2:18-cv-01578-KJD-VCF

*Assigned to Judge Kent J. Dawson;
Referred to Magistrate Judge Cam
Ferenbach*

**STIPULATION TO EXTEND
TIME TO RESPOND TO
COMPLAINT**

(SECOND REQUEST)

*[[Proposed] Order lodged
concurrently herewith]*

Complaint Filed: August 21, 2018
Trial Date: TBA

1 Plaintiff Yvonne Ybarra (“Plaintiff”), by and through her counsel of record,
2 and Defendant Capital One Bank (USA), N.A. (“Capital One”), by and through its
3 counsel of record (collectively, the “Parties”), hereby submit this second stipulation to
4 extend Capital One’s time to file a responsive pleading to Plaintiff’s Complaint by an
5 additional twenty-one (21) days, as follows:

6 **WHEREAS:**

7 1. Plaintiff filed the Complaint in this matter on August 21, 2018;

8 2. Plaintiff has filed a proof of service indicating that Capital One was
9 personally served on September 10, 2018;

10 3. Although Capital One does not concede that service was proper, it did
11 not contest service, but rather stipulated with Plaintiff for a brief extension of time for
12 Capital One to file its responsive pleading to the Complaint, such that the responsive
13 pleading would be due by October 24, 2018, to which the Court agreed;

14 4. The Parties are currently discussing (a) whether this matter can be
15 resolved without need for additional litigation and (b), if not, whether the Parties can
16 agree to avoid a motion to dismiss by either a first amended complaint or stipulating
17 to dismiss a cause of action;

18 5. In light of the foregoing, a second extension for Capital One to file a
19 responsive pleading would benefit both Parties, because it will allow them to continue
20 to gather additional facts and information while continuing to devote their resources
21 to exploring the potential for early resolution of this matter before incurring further
22 fees and costs;

23 6. The Parties agree the request is made in good faith and not for the
24 purposes of delay;

25 7. Capital One and Plaintiff have agreed to extend Capital One’s deadline
26 to respond to Plaintiff’s Complaint by an addition twenty-one (21) days from October
27 24, 2018 to November 14, 2018.

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1 **NOW, THEREFORE, IT IS HEREBY STIPULATED THAT:**

2 Capital One will file its responsive pleading to Plaintiff's Complaint on or
3 before November 14, 2018.

4
5 **IT IS SO STIPULATED.**

6 DATED: October 25, 2018

COGBURN LAW OFFICES

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8
9 By: /s/Erik W. Fox
 ERIK W. FOX
10 Attorneys for Plaintiff
 YVONNE YBARRA

11
12 DATED: October 25, 2018

FERNALD LAW GROUP LLP

13
14 By: /s/Brandon Fernald
 BRANDON C. FERNALD
15 Attorneys for Defendant
16 **CAPITAL ONE BANK (USA), N.A.**


17 **ORDER**

18
19 Having considered the foregoing stipulation of the parties and finding good
20 cause to extend the deadline for Capital One to respond to the operative Complaint by
21 an additional 21 days, the Court hereby orders as follows:

22 The deadline for Capital One to respond to the Complaint is extended from
23 October 24, 2018 to November 14, 2018.

24 **IT IS SO ORDERED.**

25
26 Date: 10-25-2018



27 United States Magistrate Judge